

Parker, Price, Quinn, Roberts of Bee, Rust, Smyth of Limestone, Stone, Thompson, Watts, Wilder—32.

The following Representatives voted for Hon. F. S. Stockdale: Perrenot, Rogers, Wilson, Würzbach—4

The Speaker announced as the result of the vote just taken that in the Senate Hon. John Hancock received 8 votes; and in the House 21 votes. Total, 29 votes.

That Hon. Richard Coke had received in the Senate 15 votes; and in the House 34 votes. Total, 49 votes.

That Hon. John Ireland had received in the Senate 7 votes; and in the House 32 votes. Total, 39 votes.

That Hon. F. S. Stockdale had received in the Senate 1 vote; and in the House 4 votes. Total, 5 votes.

Total joint vote 122. Necessary to a choice 62.

Senator Crain moved that the Senate retire to the Senate Chamber.

Carried by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Crain, Ford, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Motley, Ripetoe, Storey, Terrell, Thompson, Wortham—19.

NAYS—Senators Blassingame, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Moore, Piner, Smith, Stephens—12.

IN SENATE.

Roll called. Quorum present.

On motion of Senator Storey the Senate adjourned until to-morrow at 10 o'clock, A. M.

FOURTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 4, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. Mr. Anderson, of Bell county.

Journal of yesterday read and adopted.

Senator Motley presented a petition from numerous citizens of Rusk county, asking for the repeal of "An Act to prohibit the sale of intoxicating liquors within five miles of the town of Harmony Hill, in Rusk county," passed at the last session of our Legislature.

Read and referred to Committee on State Affairs.

Senator Hobby, Chairman of Committee on Judiciary No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 30, entitled, "An Act ratifying and confirming an ordinance of the city of Houston, adopted December 10, 1875, providing for the consolidation and funding of the bonded indebtedness of said city," have had the same under consideration; and instructed me to report the bill back to the Senate and recommend its passage. HOBBY, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 8, entitled: "An Act supplementary to the act of May 12, 1846, en-

titled, "An Act to regulate the license and practice of attorneys and counselors-at-law," have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend that it do not pass, as Senate Bill No. 43 has embodied in it all provided for in this bill.

HOBBS, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 43, entitled, "An Act to regulate the license and practice of attorneys and counselors-at-law," have had the same under consideration, and have instructed me to report the bill back to the Senate, with the following amendments, and recommend its passage as amended:

Amend Section 1: After the words, "the law," insert, "under the direction of." After the word, "application," insert, "or he shall present a diploma from a regular law school of good standing."

In Section 2 strike out all after the words, "practice in," and insert, "all the courts of this State, subject to such additional rules as the Supreme Court may prescribe."

In Section 3 strike out all after the word, "person" in the first line, to the word, "may" in the third line. After the word, "State," insert, "District, Circuit or Supreme Court of the United States."

HOBBS, *Chairman*.

The President of the Senate signed, in open Senate, after publicly reading its caption, Senate Bill No. 25: "To organize the Court of Appeals."

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following Senate Bills, and find them correctly engrossed:

Senate Bill No. 33: "An Act to repeal the act to regulate the removal of the disabilities of minors."

Senate Bill No. 41: "An Act to provide for and regulate the safe keeping of trust funds by officers of courts."

Senate Bill No. 42: "An Act to provide for granting guardianships of the estates of minors and persons of unsound mind, residing out of this State and owning property in this State." STEPHENS, *Chairman*.

Senator McLeary introduced a bill to be entitled: "An Act to fix the salaries of the officers and employes of the State of Texas."

Read first time and referred to Committee on Finance.

Senator Ledbetter introduced a bill entitled: "An Act to amend the penal code of the State of Texas," approved the 26th day of August, 1856.

Read first time and referred to Judiciary Committee No. 1.

The regular order of the day was taken up.

Senate Bill No. 11, "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," being the regular order for to-day at 11 o'clock A. M., on motion of Senator Smith, was taken up before that hour, with the report of Judiciary Committee No. 1, recommending amendments.

The amendment of the committee to Section 2, to strike out the

word, "district," and insert the word, "supreme," was adopted by the following vote:

YEAS—Senators Brady, Brown, Carroll, Crain, Edwards, Ford, Hobby, Ledbetter, McCormick, McCulloch, Motley, Ripetoe, Smith, Storey, Terrell, Wortham—16.

NAYS—Senators Ball, Blassingame, Burton, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Martin, McLeary, Moore, Piner, Stephens, Thompson—15.

The second amendment of the Committee, "to fill out blank in section 4, with the number '2,500,'" was adopted.

The third amendment of Committee, "to strike out the whole of section 5," was adopted.

Senator Edwards offered the following amendment:

Amend section 1, after the word, "law," in sixth line, to read as follows: "And said Commissioners shall revise all the general statutes of the State in force up to the time they shall make their report, and report to the Legislature which of said statutes, in their opinion, ought, and which ought not to remain in force, and suggest such contradictions, omissions and imperfections as they shall find in said statutes, and the mode in which they can be reconciled, supplied or amended; and they shall arrange under appropriate chapters and sections all the different acts and parts of acts relating to the same subject matter, which they shall deem ought to be continued or adopted, with such notes and explanations as they may deem essential to a clear understanding of the same; and shall execute and complete the revision, in all respects, in such a manner as in their opinion will render the general statutes most concise, plain and intelligible, and shall embody the result of their labors in two bills, one containing the entire body of civil statutes; and the other, the entire body of the statutes relating to criminal law, which, together with their notes and explanations, shall be reported to the Governor, and shall be printed in manner and form as legislative bills are now and shall be hereafter required to be printed, and their explanations and recommendations embodied in a printed report laid before the next session of the Legislature."

Senator Piner offered the following amendment to Senator Edwards' amendment:

Amend by inserting the words, "both properly indexed" after the words, "criminal law," in line ten, on page two, of the amendments.

Accepted.

The amendment, as thus amended, was adopted.

Senator Martin offered the following amendment:

"And the Governor is hereby requested to issue his proclamation convening the Legislature in extra session sixty days before the next regular session thereof, and lay the said digest and revision before the Legislature for their action."

Pending action on this amendment, on motion of Senator Smith, the bill, with all pending amendments, was referred jointly to Judiciary Committees Nos. 1 and 2.

By leave, Senator Terrell introduced a bill to be entitled: "An Act to amend the first section of 'An Act to provide for a change of venue in civil cases,'" approved April 9, 1874.

Read first time and referred to Judiciary Committee No. 2.

Senator Grace, Chairman Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, AUSTIN, May 4, 1876.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 25, entitled, "An Act organizing a Court of Appeals," and find the same correctly enrolled; and have presented the same to the Governor for his approval, this fourth day of May, 1876, at 10:30 o'clock, A. M.

GRACE, *Chairman.*

On motion of Senator Piner, Senate Bill No. 35, entitled, "An Act to define and regulate the duties of County Clerks," was taken up.

Senator Wortham in the Chair.

Senator Piner offered the following amendment:

Amend Section 2, by adding thereto the following proviso: "Provided, that in all cases the officers herein enumerated, who have been elected under the present Constitution of the State of Texas, and who have already given bonds as required by law, before the passage of this act, shall not be required to give any new or additional bond."

Adopted.

The President in the Chair.

Senator Terrell offered the following amendment:

Amend Section 5 by striking out the word, "such," in the twelfth line.

Adopted.

Senator Hobby offered the following amendment:

Amend Section 9 by adding the following: "And it is therefore enacted that this act take effect and be in force from and after its passage."

Adopted.

Bill read second time and ordered engrossed.

On motion of Senator Grace, the rules were suspended, and bill placed on its third reading by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—29.

NAYS—Senator Carroll—1.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—29.

NAYS—None.

A message was received from the House announcing the passage of the following bill, viz:

House Bill No. 2: "An Act to create the counties of Coke, Darnell, Charlton, Lloyd, Pickett, and Hart;" and House Joint Resolution No. 23: "Joint Resolution relating to elections of County Treasurers and County Surveyors."

Senator Brady, by leave, called up House Bill No. 30: "An Act rati-

ifying and confirming an ordinance of the city of Houston, adopted Dec. 10, 1875, providing for the consolidation and funding of the bonded indebtedness of said city."

Read second time and ordered to lie on the table for the present.

On motion of Senator Terrell, the Senate took a recess until 11.50 A. M.

Recess expired. Roll called. Quorum present.

Senator Terrell moved a call of the Senate.

Call sustained.

Absent—Senators Crain and Burton.

Senators Crain and Burton appearing, the call of the Senate was suspended.

A message was received from the House, inviting the Senate to unite with the House in joint session and proceed with the election for United States Senator, to fill the place of the Hon. Morgan C. Hamilton, which expires March 4, 1877.

On motion of Senator Stephens, the Senate proceeded to the House of Representatives.

IN JOINT SESSION.

Roll of the Senate called and a full Senate announced present.

Roll of the House called. Quorum present.

The Speaker of the House announced that there was no choice of Senator made on yesterday, and the joint session of the two Houses would proceed to another vote.

The Secretary of the Senate was directed to call the roll of Senators, and the following was the result of the vote:

Those voting for Hon. Richard Coke were: Senators Ball, Blassingame, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCulloch, Moore, Piner, Smith, Stephens—16.

Those voting for Hon. John Ireland were: Senators Brown, Carroll, Hobby, Motley, Storey, Thompson, Wortham—7.

Those voting for Hon. John Hancock were: Senators Brady, Burton, Ford, McCormick, Ripetoe, Terrell—6.

Those voting for Hon. F. S. Stockdale were: Senators Crain, McLeary—2.

The President announced the result of the vote in the Senate.

The roll of the House was called.

The following Representatives voted for Hon. Richard Coke: Mr. Speaker, Allison, Adkisson, Barziza, Blackman, Brooks, Burrows, Chambers, Cochran, Conley, Douglass, Downs, Gaston, Graham, Griffith, Harris, Hart, Horton, Ikard, Jones of McLennan, Key, Lang, McComb, McCuistian, Marshall, Martin, Pattie, Pickett, Rainey, Schrier, Stewart, Smith of Walker, Towles, Warren, Watson, Young—36.

The following voted for Hon. John Ireland: Adams, Baker, Coleman, Cone, Denman, Dennis, Garrison, Hightower, Holly, Hutchins, Isaacs, Jones of Gonzales, Kinnison, McCorkle, McKennion, Manion, Middlebrook, Moses, Parker, Price, Quinn, Roberts of Bee, Rust, Smyth, Stone, Thompson, Watts, Wilder, Wilson—29.

The following voted for Hon. John Hancock: Campbell, Cardis, Carrington, Chesley, Darnell, Haynes, Holland, Kessler, Kopperl, Lathrop, McGinnis, Mead, Newland, Northington, Peers, Roberts of Harrison, Shaw, Schmidt, Sneed, Swisher, Wurzbach—22.

The following voted for Hon. F. S. Stockdale: Perrenot, Rogers—2.

The Speaker announced the result of the vote just taken:

That in the Senate Hon. Richard Coke had received 16 votes; and in the House 36 votes. Total, 52.

That Hon. John Ireland had received in the Senate 7 votes; and in the House 29 votes. Total, 36.

That in the Senate, Hon. John Hancock had received 6 votes; and in the House, 22 votes. Total, 28.

That Hon. F. S. Stockdale had received in the Senate 2 votes; and in the House 2 votes. Total, 4.

Total vote of the Senate was 31. Total vote of the House was 89. Total joint vote, 120. Necessary to a choice, 61.

Senator Edwards offered the following resolution:

Resolved by the Senate, the House concurring, That the joint session continue its sitting until a Senator be chosen.

Senator Terrell made a point of order that the resolution could not be entertained and discussed in joint session.

The President sustained the point of order.

Senator Edwards withdrew his resolution.

Senator Crain moved that the Senate return to the Senate chamber.

Carried by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Crain, Ford, Ledbetter, McLeary, McCormick, Motley, Ripetoe, Storey, Terrell, Thompson, Wortham—16.

NAYS—Senators Blassingame, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCulloch, Moore, Piner, Smith, Stephens—15.

Senate retired.

IN SENATE.

Roll called. Quorum present.

Senator Crain moved that the Senate adjourn till to-morrow at 10 o'clock A. M.

Lost by the following vote:

YEAS—Senators Brady, Burton, Carroll, Crain, Hobby, Ledbetter, Martin, McCormick, Motley, Ripetoe, Thompson, Wortham—12.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., McLeary, McCulloch, Moore, Piner, Smith, Stephens, Storey, Terrell—19.

Senator Martin moved that the Senate adjourn till to-morrow at 9:50 A. M.

Carried by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Ford, Hobby, Ledbetter, Martin, McCormick, Motley, Ripetoe, Storey, Terrell, Thompson, Wortham—16.

NAYS—Senators Blassingame, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., McLeary, McCulloch, Moore, Piner, Smith, Stephens—15.